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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,321	11/10/2003	Charles Douglas MacPherson	UC0304USNA	4468
23906 7590 02/04/2008 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER TALBOT, BRIAN K	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 02/04/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary	Application No. 10/705,321	Applicant(s) MACPHERSON ET AL.	
	Examiner Brian K. Talbot	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 11/9/07 has been considered and entered. Claims 9 and 14-32 have been canceled. Claims 1-8 and 10-13 remain in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In light of the amendment filed 11/9/07, the objection to the Title has been withdrawn.
4. In light of the amendment filed 11/9/07, the 35 USC 112 first and second paragraph rejections have been withdrawn. In addition, the 35 USC 102 rejection has been withdrawn.

Specification

5. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. A separate sheet for the abstract without the Title should be submitted.

Claim Rejections - 35 USC § 103

6. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (6,048,573) in combination with Applicant's admitted state of the art (specification, pg. 1-4).

Tang et al. (6,048,573) teaches a method of making an organic light emitting device in which a dopant layer is formed adjacent to a light emitting host layer. The dopant is diffused from the dopant layer into the light emitting host material by exposure of a vapor of fluid or fluid mixture. Multiple dopants can be used (abstract and col. 2, lines 13-42). Tang et al. (6,048,573) teaches that the dopant layer can be applied first to a substrate then the organic light emitting layer be applied to the dopant layer and diffusing the dopant into the organic light emitting layer (col. 2, lines 43-54). Looking at Fig. 3B-3C, the dopant layer (313) is applied to the organic emitting layer (314) and afterwards the uniform diffusion of the dopant (313) into the organic emitting layer (314) and no residue of the dopant in the dopant (313) as all of the dopant (313) is diffused therein (col. 6, line 25-line 67).

Tang et al. (6,048,573) fails to teach the incorporation of a well structure in addition to "selective" areas of diffusion of the guest material.

Applicant's admitted state of the art (specification, pgs. 1-4) teaches selective diffusion of guest material into the host organic material as well as teaching the use of well structures to aid in the "selective" diffusion of the guest materials.

Therefore it would have been obvious for one skilled in the art at the time the invention was made to have modified Tang et al. (6,048,573) process by incorporating selective deposition

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with well structures as evidenced by Applicant's admitted state of the art (specification, pgs. 1-4) with the expectation of achieving similar success.

Furthermore, while the Examiner acknowledges the fact that Tang et al. (6,048,573) teaches forming the guest material in the entire organic layer whereas the instant claims recite forming the guest material in "selected" areas, it is the Examiner's position that it would have been a matter of design choice of the practitioner in the art depending upon the desired end product to have diffused the guest material in a pattern or in a blanket layer.

Response to Amendment

7. Applicant's arguments filed 11/9/07 have been fully considered but they are not persuasive.

Applicant argued the prior art fails to teach converting a portion of an organic layer to a substantially liquid state in order for a guest material to migrate therein.

The Examiner disagrees. The prior art clearly teaches migrating a guest material into an organic material. The claims are not commensurate in scope with the argument. The claims do not require that the organic material is "converted to liquid state in order for the migration to occur. Even assuming so, it is the Examiner's position that the organic layer in Tang et al. (6,048,573) would inherently be "liquefied partially" to enable the guest material to migrate therein.

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Regarding the “portion” or “selectivity” of the guest material, it is the Examiner’s position that this would be within the skill of one practicing in the art and would be dependent upon the desired end product produced. It has been well settled that optimizing a well known result effective variable, in this case the “selectivity” would be within the skill of one practicing in the art absent a showing on unexpected results and criticality regarding the variable.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Talbot whose telephone number is (571) 272-1428. The examiner can normally be reached on Monday-Friday 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B K Talbot 1/29/08

Brian K Talbot
Primary Examiner
Art Unit 1762

BKT